

## 1 SENATE RESOLUTION NO. 2

2 INTRODUCED BY BARKUS, ANDERSON, BALES, BLACK, BUTCHER, CURTISS, ESP, GEBHARDT,  
3 GLASER, GRIMES, KEENAN, MAHLUM, MCGEE, MCNUTT, O'NEIL, PERRY, SPRAGUE, STAPLETON,  
4 TAYLOR, F. THOMAS

5 BY REQUEST OF THE JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT

6  
7 A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA REJECTING THE LEGISLATIVE PLAN  
8 THAT THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION SUBMITTED TO THE  
9 LEGISLATURE.

10  
11 WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting  
12 plan to the Legislature on January 6, 2003, as required by Article V, section 14, of the Montana Constitution; and

13 WHEREAS, the Joint Select Committee on Districting and Apportionment has received and considered  
14 testimony on the plan; and

15 WHEREAS, the Senate contends that the ~~5% APPROXIMATE 10% TOTAL~~ population deviation ~~allowance~~  
16 RANGE contained in the plan ~~was used~~ IS NOT IN SUPPORT OF LEGITIMATE GOVERNMENTAL INTERESTS, BUT IS for  
17 partisan POLITICAL gain, ~~that~~; AND

18 WHEREAS, the Constitution is clear in language that the districts "shall be as nearly equal in population  
19 as is practicable", and that a 1% TOTAL population deviation RANGE, or less, is both practical and possible; and

20 WHEREAS, the Senate contends that the majority of the Commission ignored the mandatory,  
21 constitutional criterion of "compact" districts in creating several House and Senate Districts that are over 200  
22 miles from one end to the other; and

23 WHEREAS, the Senate contends that the American Indians have been isolated and that other minority  
24 groups were ignored when several districts in Montana were established; and

25 WHEREAS, the Senate contends that race was used as the predominant criterion in tentatively  
26 establishing six House Districts and three Senate Districts in blatant violation of the mandatory criterion that race  
27 may not be the predominant factor to which the traditional discretionary criteria are subordinated; and

28 WHEREAS, the Commission failed to adopt a criterion of consideration of existing district lines as the  
29 previous Commission had adopted; and

30 WHEREAS, the Commission has disregarded, in several instances, the discretionary criteria adopted

1 by the Commission on April 18, 2001, by dividing many towns, cities, and counties, while giving little or no regard  
2 to keeping communities of interest intact; and

3 WHEREAS, the arbitrary assignment of holdover Senators to districts that did not elect them is at best  
4 wrong, blatantly unethical, and simply unfair to the electors; and

5 WHEREAS, the Legislature is required to return the plan to the Commission with its recommendations  
6 on or before February 5, 2003.

7

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

9 That the Senate rejects the Legislative Redistricting Plan for the reasons stated above, requests that  
10 the Commission reconvene and adopt a plan that conforms to the mandatory and discretionary criteria as set  
11 forth by the 1972 Constitutional Convention and state and federal law, and contends that the majority of the  
12 Commission has performed a constitutional injustice to the electorate and the elected legislators of Montana,  
13 that the plan has been conceived in a ~~mean-spirited~~, partisan fashion that disregards the mandatory criteria as  
14 set forth by the 1972 Constitutional Convention and the discretionary criteria adopted by the Commission itself,  
15 that the Commission's exercise in political gerrymandering is unacceptable to the citizens of the state of  
16 Montana, and that the legislative redistricting plan must be redone.

17 BE IT FURTHER RESOLVED, that copies of the following documents be attached to this resolution:

18 (1) the tapes of the hearings of the Joint Select Committee on Districting and Apportionment held on  
19 January 20, 21, and 24, 2003;

20 (2) written testimony submitted on January 20, 21, and 24, 2003; and

21 (3) a minority report from the members of the Joint Select Committee on Districting and Apportionment  
22 who support the plan.

23 BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file by the Secretary of State and  
24 that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting  
25 and Apportionment Commission.

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